

REMARKS

With this amendment, claims 1-3, 5-13, 15-18 and 26 are pending in the application. Claims 1, 11, 18 and 26 are the only claims in independent form. These independent claims have been amended to limit the administered compound only to "consisting of gamma-aminobutyramide, or a pharmaceutically acceptable salt thereof" and thereby excludes the metabolite byproducts of progabide that are known to be responsible for bulk of side effects associated with this class of medicaments. Support for the claim amendments is found throughout the application as filed and specifically including page 11, lines 11-19. As such, Applicant submits that no new matter has been added by way of this amendment. Claims 1-3, 5-13, 15-18 and 26 currently stand rejected under 35 U.S.C. §103(a) over Aebischer et al. in view Bergmann (both references of record).

**Remarks Directed to Rejection of Claims 1-3, 5-13,
15-18 and 26 under 35 U.S.C. §103(a) over Aebischer et al. in view of Bergmann**

Currently, claims 1-3, 5-13, 15-18, and 26 stand rejected under 35 U.S.C. §103(a) over Aebischer et al. (U.S. Patent 5,474,547). Aebischer et al. is cited for teaching the alleviation of movement disorders associated with Parkinson's and Huntington's diseases through the administration of GABA, GABA agonists and GABA potentiators by implantation of devices. (Paper No. 05112006, page 3, second paragraph).

Aebischer et al. is noted in the outstanding Office Action as not specifically teaching the claimed compound of gamma aminobutyramide. (Paper No. 05112006, page 3, fifth paragraph). Bergmann is cited to bolster this deficiency of Aebischer et al. through its teaching of progabide. As conceded in the specification and identified in the outstanding Office Action, progabide is metabolized through an intermediate (α chloro-4'phenyl fluoro-5 hydroxy-2-benzylidene amino

4 butanoate sodium) to gamma aminobutyramide. (Paper No. 05112006, pages 3-4, spanning paragraph).

Claims 1, 11, 18, and 26 are hereby amended to clarify that methods are provided according to the present invention which include administration **of only** the compound gamma-aminobutyramide or a pharmaceutically acceptable salt thereof. This precludes the inclusion of the administration of progabide and the insoluble ketone byproduct associated with teaching of Bergmann.

Applicant hereby incorporates by reference the remarks made of record in the amendment scanned into the above referenced application on November 23, 2005 with regard to the limitations of Bergmann detailed on pages 8-11 of that amendment, as well as the remark made of record in the amendment of February 22, 2006, pages 2-5. The Examiner is also requested to review the Ferrandes et al. article appended to the November 23, 2005 amendment, establishing that the side effects associated with progabide are attributable to the insoluble ketone byproduct of progabide (4-chlorophenyl-5-fluoro-2-hydroxyphenylmethanone) administration to yield as an active compound gamma aminobutyramide.

As such it is respectfully submitted that neither prior art reference of Aebischer et al. or Bergmann teach or suggest the administration **of only** gamma-aminobutyramide and absent the insoluble ketone byproduct in a method to treat the cited disorders including spastic disorders, convulsions, epilepsy, idiopathic dystonia and torsional dystonia.

As the prior art reference combination fails to provide the claimed indications, as well as a compound with the pharmacological advantages of gamma aminobutyramide in avoiding side effects associated with 4-chlorophenyl-5-fluoro-2-hydroxyphenylmethanone, it is respectfully submitted that the pending claims are nonobvious over the prior art reference combination.

Furthermore, it is submitted that the prior art fails to recognize that gamma aminobutyramide is sufficiently stable as to be amenable for intrathecal or intraventricular delivery. This is submitted to be a surprising result of the present invention and represent an independent basis for the allowance of the pending claims.

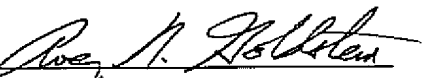
In light of the above remarks and those incorporated by reference from the application record, reconsideration and withdrawal of the rejection of claims 1-3, 5-13, 15-18 and 26 under 35 U.S.C. §103(a) over Aebischer et al. in view of Bergmann is requested.

Summary

Claims 1-3, 5-13, 15-18 and 26 are pending in the present application. Claims 1, 11, 18 and 26 are the only claims in independent form. Claims 1, 11, 18, and 26 have been amended. Applicant submits that the present claims are believed to be in condition for allowance. Therefore, allowance of the pending claims and the passing of this application to issuance are solicited. Should the Examiner find to the contrary or have suggestions as to how to form of a pending claim may be improved, she is respectfully requested to contact the undersigned attorney to resolve any remaining issues.

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Respectfully submitted,

By 
Avery N. Goldstein

Registration No.: 39,204
GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
2701 Troy Center Drive, Suite 330
Post Office Box 7021
Troy, Michigan 48007-7021
(248) 647-6000

Attorney for Applicant